

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MILTON GRESS II,

Plaintiff,

V.

JOE LOMBARDO, et al.,

Defendants.

Case No.: 2:23-cv-01792-ART-NJK

ORDER

(Docket No. 1)

On November 2, 2023, *pro se* plaintiff Milton Gress II, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. Docket Nos. 1, 1-1. Plaintiff's application to proceed *in forma pauperis* is incomplete because the financial certificate is not complete and Plaintiff did not include an inmate trust fund account statement for the previous six-month period with the application.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. *See* 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis.*” LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate

1 can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

2 Accordingly, for the reasons stated above,

3 IT IS ORDERED that the application to proceed *in forma pauperis*, Docket No. 1, is
4 **DENIED** without prejudice.

5 IT IS FURTHER ORDERED that, no later than **January 19, 2024**, Plaintiff must either
6 pay the full \$402 filing fee or file a new fully complete application to proceed *in forma pauperis*
7 with all three required documents: a completed application with the inmate's two signatures on
8 page 3; a completed financial certificate that is signed both by the inmate and the prison or jail
9 official; and a copy of the inmate's trust fund account statement for the previous six-month period.

10 IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, this
11 action will be subject to dismissal without prejudice. A dismissal without prejudice allows
12 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a
13 complete application to proceed *in forma pauperis* or pay the required filing fee.

14 The Clerk of the Court is **INSTRUCTED** to send Plaintiff Milton Gress II, the approved
15 form application to proceed *in forma pauperis* for an inmate and instructions for the same and
16 retain the complaint, Docket No. 1-1, but not file it at this time.

17 IT IS SO ORDERED.

18 DATED: November 20, 2023.

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21 NANCY J. KOPPE
22 UNITED STATES MAGISTRATE JUDGE
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